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## HISTORICAL SIGNIFICANCE OF THE TERM "CABINET" IN ENGLAND AND THE UNITED STATES<sup>1</sup>

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The institution which is today termed the president's *cabinet* was, in its origin, a creation of George Washington. It grew out of the need of a vigorous, well organized and well directed central administration which should somehow be closely associated and unified under an executive chief magistrate.

Even before the close of the Revolutionary War there were signs that men desired to see the continental government in the guidance of a capable and trusted chief. There were occasional suggestions, too,—among which Pelatiah Webster's is quite the best known<sup>2</sup>—that a committee or board of administrative officials not too strictly hampered by congress, might aid the chief executive as counsellors. Though ready after a brief discussion to establish a single executive magistrate at the head of the projected government, the convention of 1787 seems to have balked at Gouverneur Morris's crude plan for a president's council. The convention yielded, however, to the president the right to require from the principal officers their opinions

<sup>1</sup> In the *Yale Review* for August, 1906 (xv, 160–194) I set forth the history of the beginnings of the president's cabinet council. In the present article I give some account of the term *cabinet* with reference to its historical application to the English committee so called, as well as to its adoption in popular usage in the United States late in the eighteenth century. This may be reckoned as the second among a number of articles which I propose finally to combine in a work to be entitled: *The President's Cabinet: Studies in the History of an American Institution*.

<sup>2</sup> *Political Essays* (1791), pp. 210, 213, 214, 221.

in writing, and thus unconsciously helped to predetermine a privy council. In the early autumn of 1787 George Mason of Virginia expressed his fear lest there should "grow out of the principal officers of the great departments" what he termed a *Council of State*.<sup>3</sup> The phrase was quickly reiterated by George Clinton of New York.<sup>4</sup> James Iredell in answer to Mason, perceiving and writing of the analogy between some such body and the English cabinet committee, viewed the possibility of its existence in the new American government as in no wise dangerous.<sup>5</sup> Yet the existence of such a council was so contingent upon arrangements still to be made that no one, it is safe to say, in 1788 could have more than vaguely outlined the functions or determined the place of the institution. After 1789 the terms *ministry* and *ministers of state* occasionally meant no more than the administrative heads of departments and the attorney-general considered as a body of advisers to the president.

## I

An executive council in 1787 was no new thing in history. From time immemorial kings had had their groups of intimate advisers. And essential factors of royal influence and power they were in any system of autocratic government. Very early—certainly during the thirteenth century—attempts may be traced in England to put a check on the king by forcing him to choose worthy intimates as his personal counsellors. The problem presented numberless practical difficulties, especially as there was at the time no developed or well defined legislative power apart from the king—no parliament with acknowledged prerogatives. By the time of the Lancastrian kings in the fifteenth century, the privy council was able through force of circumstances to overshadow alike the crown, parliament and the people. Under the Tudors it became the royal instrument for maintaining and extending systematic rule throughout the kingdom: it gathered together and held

<sup>3</sup> *The Life of George Mason, 1725-1792*. . . . Ed. Kate Mason Rowland, ii, 388.

<sup>4</sup> *Letters of Cato*, November 8, 1787, in P. L. Ford's *Essays on the Constitution*, 262.

<sup>5</sup> *Answers to Mr. Mason's Objections to the New Constitution recommended by the late Convention at Philadelphia*. By Marcus. (Dated January 8, 1788). Reprinted in Griffith J. McRee, *Life and Correspondence of James Iredell* (1858), ii, 197.

all the threads of administration and diplomacy.<sup>6</sup> With the coming to the throne of the obstinate and injudicious line of the Stuarts, the old problem assumed a foremost place. In the first part of the seventeenth century, certainly by the beginning of the reign of Charles I, it became clearly defined. Its solution was assured as a result of the political upheaval which followed. In that century parliamentary government germinated.

The personal monarchy of Charles I, with all that it implied in the way of restriction of popular rights and widespread oppression, was more than a progressive people could endure. At the very outset of the reign the claims of the crown and parliament were felt to be incompatible. The commons demanded supremacy in the state and attempted to exact from the king a promise that he would change his ministers whenever the commons were displeased with them. Parliament really sought to make the government dependent on itself. In other words the idea of parliamentary leadership was assuming a positive and aggressive maturity. Then as perhaps never before English popular opinion won not only expression but capable direction. It was inevitably a time of experiment, but experiment which often lay along fundamental and not wholly new lines.

The demand that the king submit to guidance by such worthy counsellors as parliament could trust was so frequently reiterated after 1640 that its reiteration is good evidence that it had assumed the aspect of a vital political principle. Among numerous instances it was clearly formulated in the petition preceding the Grand Remonstrance (1641), in a document according to which the king's subjects beg:

"That your Majesty will . . . be pleased to remove from your council all such as persist to favour and promote any of those pressures and corruptions wherewith your people have been grieved, and that for the future your Majesty will vouchsafe to employ such persons in your great and public affairs, and to take such to be near you in places of trust, as your Parliament may have cause to confide in . . ."

<sup>6</sup>Lord Eustace Percy, *The Privy Council under the Tudors* (Stanhope Prize Essay, 1907), 1, 2.

<sup>7</sup>The passage may easily be seen in its connection in S. R. Gardiner, *Constitutional Documents of the Puritan Revolution* (1889), 129. Cf. the similar demand of the Grand Remonstrance, *Ibid.*, 131, 153, 154. The demand occurs also in the Ten Propositions (Pym's work) of June 24, 1641. *Ibid.*, 92. Cf. 125, 171 (Nineteen Propositions), 246, 340 (Humble Petition and Advice of 1657).

Such a demand, when put into practical shape, meant a government residing in a body of men acting under the control of parliament. As perhaps its earliest and crudest expression may be reckoned the Committee of Both Kingdoms (1644-1648).<sup>8</sup> Here, according to Mr. Gardiner, the student of English institutions comes upon "the first germ of the modern Cabinet system." The committee was, according to this same writer, "a body composed of members of both Houses, exercising general executive powers under responsibility to Parliament. . . . Though it was not, like a modern Cabinet, composed of persons of only one shade of political opinion, the opinion that the war ought to be carried on with vigour was decidedly preponderant in it. . . . That the Committee thus instituted could never be more than an interesting experiment was the natural result of the fact that the Parliament from which it sprung had no claim to be regarded as a national body."<sup>9</sup> Ephemeral as was this committee, the demand which called it into existence represented a sound principle and one henceforth never to be surrendered. In brief the later English cabinet committee was its consummate practical achievement.

## II

As the seventeenth century in England witnessed the crude beginnings of parliamentary government, so it first began to attach political significance to the term *cabinet*. That term had appeared in the language of the sixteenth century. Francis Bacon was among the earliest writers to reflect in his *Essays*<sup>10</sup> its political sense. From his time it may be traced, with many varieties of shadings, through Speed, Massinger, Walter Yonge, Clarendon, Selden, Pepys, Sir John Reresby and Evelyn to Roger North and other memoir-writers of Queen Anne's and the Georgian epoch. It appears in the *State Papers* at least as

<sup>8</sup> The two ordinances establishing the committee, differing in some respects, may be read in Gardiner, *Constitutional Documents*, 190, 192. As yet Gardiner is the only historian who has given them careful consideration. *History of the Great Civil War*, i, 357 ff. The history of this committee affords an excellent opportunity for a short contribution to institutional history.

<sup>9</sup> Gardiner, *History of the Great Civil War* (1886), i, 360, 361.

<sup>10</sup> Edited by S. H. Reynolds, Oxford, 1891, p. 148 and footnote a

early as 1625, but it is not in frequent use in them till the last decade of the century.<sup>11</sup>

The varied and vague applications of the term it is needless to dwell upon. For much of the seventeenth century it signified a body of royal counsellors or ministers, a small committee of state apt to be concerned with secret or informal measures—such measures as a parliament could not easily fathom or control. It was seldom used without opprobrium even in the early eighteenth century. Nowhere is there better illustration of this than in two discussions of the term as it cropped up in parliament in the years 1692 and 1711 respectively.

"‘Cabinet-Council’ (retorted an angry member in the house of commons in November, 1692), is not a word to be found in our Law-books. We knew it not before; we took it for a nick-name. Nothing can fall out more unhappily than to have a distinction made of the ‘Cabinet’ and ‘Privy Council’. . . . If some of the Privy Council must be trusted, and some not, to whom must any gentleman apply? Must he ask, ‘Who is a Cabinet-Counsellor?’ This creates mistrust in the people. . . .”<sup>12</sup> “The method of the cabinet (declared another member on the same occasion) is not the method nor the practice of England; . . . things are concerted in the Cabinet,

<sup>11</sup> The earliest use I have discovered in the *State Papers* is on April 23, 1625: “There is talk of a selected or Cabinet Council, whereto none are admitted but the Duke of Buckingham, the Lords Treasurer and Chamberlain, Lord Brooke, and Lord Conway.” It is probable that Walter Yonge refers to the same matter when he records in June, 1625, this entry in his *Diary* (p. 83. Camden Society, 1848): “The King made choice of six of the nobility for his *Council of the Cabinet*.” On July 14, 1630, Sir Thomas Roe referred to Sir Henry Vane—as Mr. Gardiner long since pointed out—as one “who is of the Cabinet.” *State Papers—Domestic*. 1629–1631, p. 306. According to Clarendon (*History*, i, 263, Ed. of 1826), within a few years the terms “Committee of State,” “Junto,” and “Cabinet Council” were used synonymously when referring to a group of royal counsellors. The pamphleteers of the civil wars reveal the similar usage. See *The Clarke Papers*, i, xliii, xlv (Camden Society, 1891). The term “Junto” as well, probably, as “Cabinet Council” was occasionally applied to the Committee of Both Kingdoms. For the more definite usage of the term as probably applying to an inner committee of the Privy Council under Charles II, see entries in Pepys’s *Diary* under November 9, 1664; August 26, 1666; November 16, 1667. *The New Oxford Dictionary*, s. v. cabinet, gives much evidence of the political usage of the term.

<sup>12</sup> *Parliamentary History*, v, 731.

and then brought to the council. . . . If this method be, you will never know who gives advice. . . ."<sup>13</sup>

In January, 1711, discussion arose in the house of lords over the question of using the term *cabinet-council*—as at first it was proposed to do—or *ministers* in a resolution of censure. It was objected that both terms were ambiguous. Moreover, both terms were unknown to the law. Of the two, *ministers* or *ministry* was called "too copious" in its meaning: for the cabinet council, it was wisely observed, did not take in all the ministers. The discussion grew strenuous and was delaying more serious business, when the Earl of Peterborough gave it an amusing turn by reminding his colleagues of a distinction with which he was familiar. He had heard, he said, that "the Privy Counsellors were such as were thought to know everything and knew nothing; and . . . those of the Cabinet Council thought nobody knew anything but themselves. . . . "A similar distinction, he urged, might be drawn between the ministers and the cabinet council."<sup>14</sup>

However reproachful the reflections cast on the term by members of parliament might be, "cabinet" or "cabinet council" was well recognized and in frequent use by the last decade of the seventeenth century. Thus on June 16, 1690, the Marquis of Carmarthen, writing to King William III, says: "The Lords of the Cabinet think. . . ."<sup>15</sup> A week later: "Her Majesty is very diligent at cabinet councils . . . . The Queen hereupon called the cabinet council and gave several orders. . . ."<sup>16</sup> On September 5, 1694, there was recorded the draft of a summons "to the Cabinet Council to meet this day at 5 p.m."<sup>17</sup>

### III

Behind the term which it has been comparatively easy to trace was the thing—the committee or council of the cabinet. The beginnings of this committee are obscure. In its beginnings there is little doubt

<sup>13</sup> *Parliamentary History*, 733.

<sup>14</sup> *Ibid.*, vi, 971ff.

<sup>15</sup> *State Papers—Domestic*, 1690-1691, 33.

<sup>16</sup> *Ibid.*, 38.

<sup>17</sup> *Ibid.*, 1694-1695, 295.

that the cabinet committee was an offshoot from the traditional organ of executive power, the formal privy council, which was composed of members who had themselves no direct administrative duties. It was the result of a process of differentiation. The personnel of the committee—except for a glimpse now and then—and its functions are for years vague or quite indeterminable. By 1625 or perhaps a little earlier it was attracting enough attention to be noted in print. About twenty years later Clarendon reckoned it as synonymous with the committee of state.<sup>18</sup> Under Charles II the term, used rather more freely, probably implied greater definiteness. But it can hardly be said to characterize or take on the guise of an institution until the eighteenth century. Thenceforth term and institution became gradually more definable and clear until Macaulay was able to set forth the historical and Bagehot the working relations of the institution in the plan of England's government.

That the practice of discussing important business in an inner committee was old is altogether probable. Sir William Anson believes that the practice may be considered permanent from the latter days of Edward VI.<sup>19</sup> However that may be—and there is no conclusive evidence to establish the point—as long as this interior committee remained under royal control, it could have been only a variation of many another committee of the privy council, called by whatever name. The problem was to arrange machinery whereby parliament could control the king's most intimate advisers. But the remarkable contribution of the seventeenth century toward the formation of England's future government was the idea or conception of the importance of parliamentary control, exercised more especially as time elapsed by the house of commons, over the small and informal group of intimate royal counsellors sometimes termed the cabinet committee. This was the idea behind the Committee of Both Kingdoms. Apparently for the first time—if we may accept Gardiner's conclusion—parliament attempted in 1644 and for a few years after to act in an executive capacity through a ministerial committee. The rest of the century

<sup>18</sup> Sir W. R. Anson regards this committee of state, termed reproachfully a "cabinet council," as the re-appearance of Edward VI's committee of 1553. *Law and Custom of the Constitution*. Pt. ii. The Crown. 2d ed. 92-3.

<sup>19</sup> *Law and Custom*., Pt. ii, 92.



was rich with experiments and failures. But the idea, one may safely assert, was continuous and ultimately won practical achievement.

By the close of the seventeenth century there was a cabinet committee of administrative officers exercising functions in the state that had come down from the old Tudor office of principal secretary of state. There was no clear evidence that the individuals composing this committee recognized their collective responsibility for the conduct of affairs. They owed as yet no special allegiance to any one of their number. And they were still unaware that their continuance in office would depend on the continuance of the support of a majority of the house of commons.<sup>20</sup> But in unforeseen ways circumstances kept effecting the practices of government. Only slowly could the meaning of these circumstances be determined. The effect of practices in parliament was seen only after they had crystallized into customary forms. In helping to establish what may be called cabinet rule the harmony of policy between the Whig leaders and two such foreigners as George I and George II was a circumstance of paramount importance. The reactionary effort of George III to reestablish autocratic rule failed miserably. Yet the fact of its failure was not to be foretold much before the close of the American Revolution. Circumstances and practices were both utilized toward the great end and conception that the seventeenth century had divined: the making of the cabinet committee responsible to the legislature. This idea molded it into a vital institution.

There was no writer in the eighteenth century who attempted to make or indeed who probably could have made an exposition of the place of the cabinet committee in the English system of government. Blackstone whose *Commentaries* first appeared in 1765 was primarily concerned with the law of the constitution. Hence the cabinet committee received no attention in his pages.<sup>21</sup> Even Edmund Burke,

<sup>20</sup> Anson, *Law and Custom*, 105.

<sup>21</sup> "The thirty years from 1760 to 1790" says Prof. A. V. Dicey, "may be well termed as regards their spirit, the age of Blackstone." Again: "The English constitution, looked at from a merely legal point of view, remained in 1827 almost exactly what it had been in 1800. If indeed we leave out of sight the Acts of Union with Scotland and Ireland, we might assert, without much exaggeration, that to a mere lawyer, who recognized no change which was not recorded in the statute book or the law reports, the constitution rested in 1827 on the foundation upon which it had been placed by the Revolution of 1689." *Law and Public Opinion*, 70, 84.

with claims to be regarded as the greatest political thinker of his day, only casts occasional light on the functions of the cabinet. In his remarkable defense of the whig system of party government, a pamphlet entitled *Thoughts on the Cause of the Present Discontents* (1770), he flashed light along some of the lines of development of the cabinet committee, but nowhere did he attempt to explain it. What he understood better, perhaps, than any man of his time was this: that no formal organization as set forth in a constitution or in the law can ever quite adequately represent the political life of the state. In his own forceful words:

"The laws reach but a very little way. Constitute government how you please, infinitely the greater part of it must depend upon the exercise of the powers which are left at large to the prudence and uprightness of ministers of State. Even all the use and potency of the laws depend upon them. Without them, your commonwealth is no better than a scheme upon paper; and not a living, active, effective constitution . . .'<sup>22</sup>

Such a sentiment probably indicates Burke's perception of the change in the English government that was in course of accomplishment throughout the eighteenth century. In truth the change amounted to a revolution, and its accomplishment through the custom rather than the law of the constitution centered around the cabinet committee. Though no one in the eighteenth century could have expressed the fact, the chief function of that committee was to bring about a coöperation among the different forces of the state without interfering with the legal independence of those forces.<sup>23</sup>

#### IV

The statesmen of 1787 in the United States had few clear notions, it may be assumed, about the peculiarities of the English cabinet committee. Had cabinet government—as we term it today—been farther along in its development, sufficiently far along at any rate to have been lucidly interpreted in the writings of English statesmen, it is certainly conceivable and perhaps probable that it would have exerted an

<sup>22</sup> Burke's *Works* (Boston, 1866), I, 470.

<sup>23</sup> A. Lawrence Lowell, *The Government of England*, i, 53.

influence in the formation of the American form of government. Among American writers of that day it is difficult to find explicit references to the functions of the English cabinet committee. There are, however, two notable references on record. Writing of the government of England and the English people, James Iredell remarked in the winter of 1787-88 that "everybody knows that the whole movements of their government. . . . are directed by their *Cabinet Council*, composed entirely of the principal officers of the great departments."<sup>24</sup> Roger Sherman was equally direct when, under date of July 20, 1789, he said in a letter to John Adams regarding England "that the nation is in fact governed by the cabinet-council."<sup>25</sup> The very intricacies of the development of the English cabinet committee which make it historically interesting were quite beyond the compass of even the best minds of the eighteenth century.

The steps toward the American president's council were simple. The Constitution of 1787 clearly contemplating principal officers or heads of departments did not expressly enjoin executive departments. Nevertheless among the first matters to be undertaken when congress assembled in 1789 were the details of departmental organization. Acting especially on the basis of national practices since the breach with England in 1775, but not overlooking either English or colonial experience, congress established three separate departments—foreign affairs (or state), war, treasury, the same number that there had been since 1781. Over these there were placed three secretaries, officials to be appointed by the president with the senate's consent, but removable (it was decided after long debate) at the president's will alone. An attorney-general was likewise arranged for—a distinctly new national official:<sup>26</sup> he was to act not only as federal prosecutor but also as legal adviser to the president and secretaries. Thus the chief magistrate might surround himself with four experts, men qualified in foreign affairs, in finance, in army organization and in the law. In May, 1790, with Thomas Jefferson, Alexander Hamilton, Henry Knox and Edmund

<sup>24</sup> McRee's *Life and Correspondence of James Iredell*, ii, 197.

<sup>25</sup> J. Adams's *Works*, vi, 439.

<sup>26</sup> There were examples enough of local attorneys-general in the colonial epoch. The national attorney-general, it may be noted, was not head of a department until 1870. *Statutes at Large*, xvi, 162-165.

Randolph in New York City, the administration could be considered assembled.

Here then were the simple elements or factors at the beginning of what was to develop into a characteristic institution of the national government—a president's council to be known as the cabinet. It lay dormant in constitution and statutes. The creative forces which stirred these factors were brought into activity and evidence as soon as the new government was started. The financial requirements especially conspicuous during Washington's first term, the problems of our commercial and foreign relations, the frontier questions involving our attitude to the Indians as well as to British and Spanish neighbors—all these and other matters called not only for the direction of a sagacious president, but also for the assistance of qualified experts.

From the outset Washington regarded the heads of departments as his assistants,<sup>27</sup> though he did not confine his consultations to them alone. But the exercise of his functions as chief magistrate was almost certain to bring these assistants as well as the attorney-general into a council. The process of unification, depending much on personal relations that very naturally often escaped record, was probably unconscious. There are, however, a few well-authenticated facts that serve to make the process clear.

Soon after the new government started Washington took the opinions of his secretaries on matters of real importance separately in writing—in accordance with the letter of the Constitution—or in conversations for the most part unrecorded.<sup>28</sup> At least as early as the spring of 1791 he suggested, while away from the seat of government, the advisability of having the secretaries and vice-president meet in consultation as a body.<sup>29</sup> The suggestion was acted upon, but it is impossible to say how often.<sup>30</sup> There are in 1792 several clear records of what came later to be termed cabinet meetings.<sup>31</sup> There is no evidence, however, that

<sup>27</sup> Washington's *Writings*, ed. W. C. Ford, xi, 397–8. Cf. Hamilton's *Works*, ed. H. C. Lodge, vi, 368.

<sup>28</sup> See especially Jefferson's "opinions" scattered along after April 1, 1790, into the following December. Jefferson's *Writings*, ed. P. L. Ford, v, 150 ff.

<sup>29</sup> Washington's *Diary from 1789 to 1791*, ed. Benson J. Lossing, 162. Also *Writings*, xii, 34, ft. note, 35.

<sup>30</sup> Jefferson's *Writings*, i, 165, v, 320 ff.

<sup>31</sup> *Ibid.*, i, 179, 189–90, 205, 210, etc.

as a rule the vice-president was included. In 1793 the meetings of the president's advisers were frequent, especially so after Washington's arrival in Philadelphia on April 17. The most notable of these was the meeting of April 19 at which the issuance of the so-called neutrality proclamation was unanimously agreed to. Within a month of that time Jefferson referred to the meetings as occurring "almost every day."<sup>32</sup> And there is abundant evidence to show that the heads of departments and the attorney-general had many consultations through the summer till early in September. About November 1 meetings were again renewed.<sup>33</sup> The difficulties with France growing out of the vexatious and unwise practices of Genet enforced frequent meetings of the president's best-qualified and expert assistants.

In 1793, probably for the first time, the term "cabinet" was occasionally applied to the secretaries together with the attorney-general. By that time they were conceived of as a working body. The application of the term rested on the obvious fact that the president had summoned to his aid a committee of officials somewhat similar to the English cabinet committee. There was nothing essentially new in such a committee, closely related on the one hand to administrative departments, and on the other as advisers to the chief magistrate. There is no evidence but the term to show that in characterizing the president's advisers we took into account anything but the superficial resemblance to the English institution. What in all probability we did was to adopt a well-recognized English term, the significance of which so far as the average man was concerned had been pretty well settled in the seventeenth century.<sup>34</sup>

<sup>32</sup> Jefferson's *Writings*, vi, 250.

<sup>33</sup> *Ibid.*, i, 218 ff. vi, 191 ff.

<sup>34</sup> The first explicit reference that I have noted to the principal officers of the president as a "council" occurs in a letter of Jefferson to Madison of May 12, 1793: "The Anglophobia has seized violently on three members of our council" (Jefferson's *Writings*, vi, 250). On May 19 Jefferson writes of the group as "our conclave" (*Ibid.*, 261). On June 13 Madison is first to apply the well-known English term, writing of "the discussions of the cabinet" (Madison's *Writings*, ed. G. Hunt, vi, 132). Again on July 22 he speaks of Hamilton's "cabinet efforts" (*Ibid.*, 136). On August 2 the term "cabinet" first appeared in Jefferson's *Anas* (Jefferson's *Writings*, i, 253). On August 18 Jefferson wrote of a paper "read in cabinet for the 1st time" (*Ibid.*, vi, 394). On April 12, 1794, Rufus King referred in his *Diary* to the "cabinet" (*Life and Correspondence*, i, 519). Sometimes the expression was "ministerial cab-

The term appeared first in the letters of several leading statesmen—men in close touch with the government. It is soon found in the newspapers of the day. Not, however, until Jefferson's administration were there any notable references to the cabinet in congressional debate. The term was freely used and criticized in a sensational discussion in March, 1806, which revealed John Randolph in one of his most querulous moods, full of sound and fury against the men in power.<sup>35</sup> In reply to Randolph, an opponent from Pennsylvania was moved to remark as follows: "I wish the gentleman had deigned to inform us what he meant by a Cabinet. I perceive no such thing in the Constitution or laws. I believe the phrase is peculiar to the Court of St. James, where the Ministers of the King are called the Cabinet." Truth, however, forced him at once to add this statement of fact: "I have heard the Heads of Departments and the Attorney-General assembled by the President on great occasions, called the Cabinet."<sup>36</sup>

The process whereby the cabinet was created by Washington has been set forth. Time and the inevitable demands for a skilful executive policy gradually made the conception of the significance of the cabinet more clear and molded the institution into permanence. Probably by the close of Jefferson's administration, when the national government had been in operation for twenty years, the functions of this cabinet committee of experts in aid of the chief magistrate were generally

inset" (*American Mercury*, Hartford, Ct., November 23, 1795, quoting a letter from Philadelphia of October 14), and not infrequently it was "executive cabinet" (Jefferson to Madison, January 22, 1797; also debates in the house of representatives of February 27, 1802, and January 11, 1803). The first reference to the group that I have come across in the Congressional debates is on April 25, 1798—"the great council of the nation." On February 20, 1801, Jefferson wrote to Samuel Dexter using the phrase "Cabinet Council of the President." The phrase, applied locally to a New York state group of officials as a "cabinet council," I can find as early as May 20, 1792 (*Life and Correspondence of Rufus King*, i, 410).

There are few variations as time advanced. From many examples collected over the years of Jefferson's administration (1801-1809) I am convinced that then the term became well established in popular usage. There is considerable evidence within those years that the cabinet was looked upon as a definite institution of the American government. As Jefferson could write with good reason: "The third administration. . . . presented an example of harmony in a cabinet of six persons, to which perhaps history has furnished no parallel" (*Writings*, ix, 307).

<sup>35</sup> *Annals of Congress*, 9 Cong., 1st sess. (1805-6), 561, 5:4-5, 590, 606.

<sup>36</sup> *Ibid.*, 744.

understood. Here and there, notably in the writings of Alexander Hamilton and Thomas Jefferson, the student will find evidence that the conception of the cabinet was taking definite form. As early as 1792 Hamilton had said:

"The success of every government . . . must always naturally depend on the energy of the executive department. This energy again must materially depend on the union and mutual deference which subsists between the members of that department, and the conformity of their conduct with the views of the chief executive."<sup>37</sup>

In 1800 Hamilton expressed in the clearest fashion the theory on which every cabinet in the United States must rest. His thought reflects the fact that the cabinet committee had reached a position at which its general function could be defined by a man of insight. He wrote:

"A President is not bound to conform to the advice of his ministers. He is even under no positive injunction to ask or require it. But the Constitution presumes that he will consult them; and the genius of our government and the public good recommend the practice. As the President nominates his ministers, and may displace them when he pleases, it must be his own fault if he be not surrounded by men who, for ability and integrity, deserve his confidence. And if his ministers are of this character, the consulting of them will always be likely to be useful to himself and to the state. . . . When, unhappily, an ordinary man refrains from consulting with his constitutional advisers, he is very apt to fall into the hands of miserable intriguers . . . ."<sup>38</sup>

There was of course a reflection here on John Adams's unfortunate experiences with his cabinet advisers—a grim touch that might reasonably make any prospective successor of Adams think well about those whom he would place in the secretaryships. The very contrast that Jefferson's cabinet—a most harmonious body—revealed, is evidence that Jefferson was alive to the importance and utility of the institution. In 1807 he put his thought thus:

"For our government although in theory subject to be directed by the unadvised will of the President, is, and from its origin has been a very different thing in practice . . . all matters of importance or

<sup>37</sup> Hamilton's *Works*, vi, 367.

<sup>38</sup> *Ibid.* 419.

difficulty are submitted to all the heads of departments composing the cabinet. . . . So that in all important cases the Executive is in fact a directory. . . ."<sup>39</sup>

It is well known that the method of cabinet meetings which Washington had suggested in 1791, Jefferson for the most part followed. "I practiced this method," he said, "because the harmony was so cordial among us all, that we never failed by a contribution of mutual views on the subject, to form an opinion acceptable to the whole . . . ."<sup>40</sup> It was not a method sanctioned by a strict interpretation of the Constitution, as Jefferson was well enough aware. But it accomplished things quickly and in view of the many difficult problems before a president, it was inevitably the most satisfactory method.

When in January, 1813, Josiah Quincy of Massachusetts harshly arraigned the government in power for the project of invading Canada, he seldom made any reference to the chief executive, James Madison. His invective was directed against what he regarded as the source of administrative power and disturbance—the cabinet. His whole line of thought suggests today, as it may have suggested then, the weakness of the chief magistrate. But it is peculiarly significant of the place the cabinet could take by that time, according to the opinion of a shrewd observer, in the organization of the national government. Near the opening of his speech he declared:

"I have some claim to speak concerning the policy of the men who constitute the American cabinet. For eight years I have studied their history, characters, and interests. . . . I say then, sir, without hesitation, that in my judgment the embarrassment of our relations with Great Britain . . . has been, is, and will continue to be, a main principle of the policy of this American cabinet."<sup>41</sup> As he advanced in his argument, he remarked: "It is a curious fact, but no less true than curious, that for these twelve years past the whole affairs of this country have been managed, and its fortunes reversed under the influence of a cabinet little less than despotic, composed, to all efficient purposes, of two Virginians and a foreigner. . . . During

<sup>39</sup> Jefferson's *Writings*, ix, 69–70.

<sup>40</sup> *Ibid.*, 273–4.

<sup>41</sup> *Speeches delivered in the Congress of the United States: By Josiah Quincy.* . . . 1805–1813. Ed. by his son, Edmund Quincy. 379–80.



this whole period the measures distinctly recommended have been adopted by the two Houses of Congress with as much uniformity and with as little modification, too, as the measures of the British ministry have been adopted during the same period by the British Parliament. The connection between cabinet councils and parliamentary acts is just as intimate in the one country as in the other."<sup>42</sup> Toward the end of his speech Quincy dwelt at some length on the "Virginia influence" as it had manifested itself in the presidency. He regarded the cabinet as doing everything in its power to keep the succession in the Virginia line—in particular to make Monroe the successor of Madison:

"This is the point on which the projects of the cabinet for the three years past have been brought to bear, that James the First should be made to continue four years longer. And this is the point on which the projects of the cabinet will be brought to bear for the three years to come, that James the Second shall be made to succeed, according to the fundamental rescripts of the Monticellian dynasty."<sup>43</sup>

Men might persist—as they did—in objecting to the word *cabinet* even long after this. By this time at any rate term and institution had come into their American place. The old English term henceforth characterized not so much a committee different in make-up from the English cabinet committee as one differently related to the government of which it was a part.

Jackson was the first president, as one might expect, to use the term *cabinet* in an annual message. It appeared in his first message of December 8, 1829, and may be found in a few other public documents issued or signed by him.<sup>44</sup> Tyler again uses the term to characterize his advisers in his fourth message of December 3, 1844. The word has appeared occasionally since Tyler in the public and formal papers of succeeding presidents; but its use has been rare.<sup>45</sup> The fact that the term has at last gained a place in the language of the statute law of the United States is remarkable enough to call for a word of explanation.

In an act approved and signed by President Roosevelt on February

<sup>42</sup> *Ibid.*, 397–8.

<sup>43</sup> *Ibid.*, 402.

<sup>44</sup> Richardson's *Messages and Papers of the Presidents*, ii, 448; iii, 5, 19, 36.

<sup>45</sup> *Ibid.*, iv, 350, 659; v, 163, etc.

26, 1907, provision was made for increasing the salaries of the secretaries, attorney-general and postmaster-general from \$8,000—the sum at which they were fixed by law in 1874<sup>46</sup>—to \$12,000. The subject had been introduced into the house of representatives early in the previous December in connection with a bill for large appropriations for the year 1907–1908. On Friday, December 14, Mr. Lucius N. Littauer of New York proposed as an amendment that the compensation of the head of executive departments “who are members of the president’s cabinet, shall be at the rate of \$12,000 per annum.”<sup>47</sup> James R. Mann of Illinois was quick to recognize the appearance of a term hitherto unknown to the statute law and at once criticised the language of the proposed amendment. “I suppose the gentleman is aware,” Mann argued, “that there is no place in the statutes where there is any recognition of the president’s cabinet. The gentleman in his amendment provides for an increase of salary for the heads of departments who constitute the president’s cabinet. There is no definition in law as to what constitutes the president’s cabinet. Would it not be wiser to designate the nine secretaries—the heads of the various departments—who, in fact, constitute the cabinet?” The succeeding colloquy was as follows:

*Littauer.* “I have no pride in this language, but if the gentleman will permit me to suggest, the head of the department of labor, as he designates him, should be called the head of the bureau of labor.”

*Mann.* “Well, I beg the gentleman’s pardon; the law says that there shall be a department of labor with a commissioner at the head of it. The bureau of commerce and labor calls it a bureau, but that is in violation of the statute.”

*Littauer.* “I am quite willing to accept any amendment which will carry out this intent, which is that the compensation of heads of executive departments, who are members of the president’s cabinet, shall be compensated at this salary. I do not believe such designation can ever be misunderstood.”<sup>48</sup>

<sup>46</sup> January 20.

<sup>47</sup> *Congressional Record*, House Proceedings, December 14, 1906, p. 381 ff.

<sup>48</sup> *Ibid.*, 381.

The course of the bill was anything but smooth. Nevertheless neither senate nor house touched essentially the language which Mr. Littauer had proposed. It was language, as he remarked, which could not be misunderstood. And so the recognition of the cabinet as defined by him went consciously into the statute law of the United States.<sup>49</sup>

<sup>49</sup> The salaries are found in *Statutes at Large*, xxxiv, pt. i, chaps. 1635, 2907. The part of the statute reproducing Littauer's statement reads: "Sec. 4. That on and after March fourth, nineteen hundred and seven, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States and the heads of Executive Departments who are members of the President's Cabinet shall be at the rate of twelve thousand dollars per annum each . . . ." Chap. 1635: 993.